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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/828,736	04/21/2004	Tod S. Heiles	200312473-1	4783

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HEWLETT PACKARD COMPANY
P O BOX 272400, 3404 E. HARMONY ROAD
INTELLECTUAL PROPERTY ADMINISTRATION
FORT COLLINS, CO 80527-2400

EXAMINER

LEBRON, JANNELLE M

ART UNIT	PAPER NUMBER
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2861

DATE MAILED: 12/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/828,736

Applicant(s)

HEILES ET AL.

Examiner

Jannelle M. Lebron

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 September 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-43 is/are pending in the application.
- 4a) Of the above claim(s) 3,5 and 37-39 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4,6-8,18,22-28,30-36 and 40-43 is/are rejected.
- 7) ☒ Claim(s) 9-17,19-21 and 29 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
- Paper No(s)/Mail Date 04/21/2004.

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. Applicant's arguments regarding Species I and II are persuasive. However, the restriction between Species A and B (similar to C and D) remains.
2. Contrary to applicant's statement, claims 37-39 do not read on Species C (similar to A) since the diagnostic image is printed using image forming points from the second printhead. Accordingly, Claims 3, 5 and 37-39 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected species, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 09/25/2006.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 2, 4, 6-8, 18, 22-28, 30-36 and 40-43 are rejected under 35

U.S.C. 102(e) as being anticipated by Nishikori et al. (US Patent 6,832,825).

5. Nishikori et al. discloses a method for calibrating one or more printheads [1A-1D in fig. 1],

- Claim 1:

the method comprising:

printing a first reference image (1 in pattern [A] in fig. 7) using a first portion of image forming points ([a] in fig. 7) of a first printhead;

printing a first diagnostic image (1 in patch [B] or 5 in patch [F] in fig. 7) using a second portion of image forming points ([b] in fig. 7) of either the first printhead or a second printhead;

detecting a first optical density of the combined first reference image and the first diagnostic image (step 3 in fig. 6; col. 14, lines 4-8); and

determining a compensation value based upon the first optical density (step 4 in fig. 6).

- Claim 2:

wherein the first portion of image forming points comprises a first segment of a column of image forming points and wherein the second portion comprises a second segment of the column of image forming points on the first printhead (as seen in fig. 7).

- Claim 4:

wherein the first diagnostic image is printed using the second portion of image forming points of the first printhead (as seen in fig. 7).

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- Claim 6:

including advancing the print media a distance such that the first reference image and the diagnostic image are in vertical alignment (as seen in fig. 7)

- Claim 7:

including adjusting a time at which the first portion dispenses ink based upon the compensation value (col.6, lines 42-47; if the density of the nozzles is controlled, the timing at which they eject ink is adjusted as well).

- Claim 8:

including forming images using the first portion and the second portion at different times based upon the compensation value (the density [and timing] is corrected for each nozzle block).

- Claim 18:

wherein the first portion and the second portion comprise identical portions of the first printhead, wherein the first portion is printed during overall movement as the first printhead in a forward direction and wherein the second portion (5 in fig. 7) is printed during overall movement the first printhead in a reverse direction (col. 10, lines 57-67).

- Claim 22:

wherein the first portion and the second portion have mutually exclusive image forming points (col. 10, lines 32-35; as seen in fig. 7).

- Claim 23:

wherein the first portion is designed to be spaced from the second portion by a predetermined distance in a first direction (the nozzles are spaces apart by a

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predetermined amount), wherein the first diagnostic image is printed on the print medium using the first portion while the first printhead is at a first horizontal position and wherein the second diagnostic image is printed upon the print medium using the second portion while said one of the first printhead and the second printhead is at a second horizontal position spaced from the first position by the predetermined distance in the first direction (as seen in fig. 7).

- Claim 24:

wherein the second portion is on the first printhead (as seen in fig. 7).

- Claim 25:

wherein the first reference image includes a first plurality of marks, wherein each of the first plurality of marks is printed upon the medium using the first portion of the first printhead and wherein the first diagnostic image includes a second plurality of marks, wherein each of the second plurality of marks is printed upon the medium using the second portion of said one of the first printhead and the second printhead (as seen in fig. 7).

- Claim 26:

first portion and the second portion each include a plurality of image forming points (col. 10, lines 32-35; as seen in fig. 7).

- Claim 27:

wherein the first reference image is printed by dispensing a material (ink) from the first portion of image forming points.

- Claim 28:

wherein the first reference image is printed by applying heat with the first portion of image forming points (col. 8, lines 2-6).

- Claim 30:

including moving the first printhead along a single scan axis while printing both the first reference image and the first diagnostic image (as seen in fig.7).

- Claim 31:

wherein the first reference image and the first diagnostic image each include at least one mark having a major height in a first direction and a minor width and wherein the first reference image and the first diagnostic image are offset from one another perpendicular to the first direction (as seen in fig.7).

6. Nishikori et al. further discloses a printing system

- Claim 32:

comprising:

a printhead (1A-1D in fig. 1) having image forming points (nozzles 22 in fig. 3);

a sensor 30 in figs. 1 and 2); and

a controller (100 in fig. 5), wherein the controller is configured to generate first control signal and a second control signal , wherein the printhead is configured to print a reference image upon the print medium using a first portion of the image forming points and a diagnostic image upon the print medium using a second portion of the image forming points in response to the first control signal (col.8, lines 7-14), wherein the sensor is configured to determine an optical density of a combination of the reference

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image and the diagnostic image in response to the second control signal and the controller is configured to determine a compensation value based upon the optical density (col. 8, lines 15-24; steps 3 and 4 in fig. 6).

- Claim 33:

wherein the controller is configured to generate a third control signal based upon the determined compensation value and wherein the carriage mechanism is configured to move the printhead in response to the third control signals (col. 8, lines 25-41).

- Claim 34:

wherein the controller is configured to generate third control signals and wherein the media handling system is configured to advance the print medium between printing of the reference image and the diagnostic image in response to the third control signals (col. 8, lines 25-4; the paper is fed between forward scans).

- Claim 35:

including moving the first printhead along a single scan axis while printing both the reference image and the diagnostic image (as seen in fig. 7).

- Claim 36:

wherein the reference image and the diagnostic image each include at least one mark having a major height in a first direction and a minor width and wherein the reference image and the diagnostic image are offset from one another perpendicular to the first direction (as seen in fig. 7).

7. The computer-readable media limitations of claim 40 are deemed to be inherent in view of the method steps and system disclosed above, since it would be necessary to execute the instructions configured by the computer-readable media in order for the apparatus to perform its intended functions.

8. The printing system limitations of claims 41 and 42 are deemed to be inherent in view of the method steps disclosed above, since it would be necessary to perform the claimed steps in order for the apparatus to perform its intended functions.

9. Nishikori et al. further discloses a method for calibrating one or more printheads (1A-1D in fig. 1), the method comprising:

- Claim 43:

printing patches of reference images (1 in pattern [A] in fig. 7) and diagnostic images (1 in pattern [B] in fig. 7) across a range of relative offsets between the reference images and their corresponding diagnostic images (as seen in fig. 7), wherein each reference image is formed using a first portion of image forming points of a first printhead ([a] in fig. 1) and wherein each diagnostic image is formed using a second portion of image forming points of either the first printhead or a second printhead ([b] in fig. 7);

detecting optional densities of the patches (step 3 in fig. 6; col.14, lines 4-8); and
determining a compensation value for the second portion based upon the detected optical densities (step 4 in fig. 6; density is corrected for each nozzle block).

Allowable Subject Matter

10. Claims 9-17, 19-21 and 29 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

The primary reason for allowance for this claim is the inclusion of the limitations of a method for calibrating one or more printheads

- Claim 9-17:

wherein the first reference image is printed while the first printhead is at a first horizontal position and wherein the first diagnostic image is printed while said one of the first printhead and the second printhead is at the first horizontal position.

- Claim 19:

wherein the first reference image has a first color and wherein the first diagnostic image has a second color distinct from the first color.

- Claim 20 and 21:

wherein a plurality of horizontal printhead error compensation values are determined by printing the first reference image and the first diagnostic image each a plurality of times while the first printhead and said one of the first printhead and the second printhead are scanned across the medium at a plurality of different print speeds.

- Claim 29:

wherein the first reference image and the first diagnostic image at least partially overlap.

It is these limitations, either alone or in combination as claimed, that have not been taught, found, or suggested by prior art.

Communication with the USPTO

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jannelle M. Lebron whose telephone number is (571) 272-2729. The examiner can normally be reached on Monday thru Friday 8:30am-5:00pm.

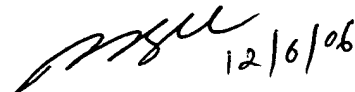
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen D. Meier can be reached on (571) 272-2149. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Jannelle M. Lebrón
AU 2861
12/1/2006



MANISH S. SHAH
PRIMARY EXAMINER